

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|----------------------------------|---|---------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 07 C 2703 |
| |) | |
| TWO HUNDRED AND TWO THOUSAND, |) | |
| THREE HUNDRED AND TWENTY DOLLARS |) | |
| (\$202,320), |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM ORDER

Jim Fauley ("Fauley") has filed a multi-faceted response to this in rem forfeiture action brought by the government. This memorandum order is issued sua sponte to address two problematic aspects of that filing (its principal thrust, a motion to suppress, clearly calls call for an evidentiary hearing, a subject that can be addressed at the initial status hearing now set for 9 a.m. July 17, 2007).

One problem with Fauley's Answer is that its Paragraph 7 does not fully conform to the requirement of the first sentence of Fed. R. Civ. P. ("Rule") 8(b), which calls for a response to everything alleged by a plaintiff. And the other obvious flaw is that Answer ¶13 impermissibly couples a proper disclaimer that conforms to the second sentence of Rule 8(b) with a denial of the selfsame allegations as to which Fauley assertedly lacks enough information to form a belief--a usage that this Court has recently taken to calling oxymoronic, especially in light of the

years that have elapsed since the publication of App. ¶1 to the opinion in State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001).

Fauley's counsel should deal with those matters in advance of the July 17 status hearing. And as stated earlier, further procedures in the case, including plans for the required evidentiary hearing, will be discussed at that time.

A handwritten signature in cursive script, reading "Milton I. Shadur".

Milton I. Shadur
Senior United States District Judge

Date: July 9, 2007